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12 *New York Mellon, successor*
13 *trustee to JPMorgan Chase Bank,*
14 *National Association, as Trustee*
15 *f/b/o holders of Structured Asset*
16 *Mortgage Investments II Inc., Bear*
17 *Stearns ALT-A Trust 2005-10,*
18 *Mortgage Pass-Through*
19 *Certificates, Series 2005-10*

20 UNITED STATES DISTRICT COURT

21 DISTRICT OF NEVADA

22 THE BANK OF NEW YORK MELLON,
23 SUCCESSOR TRUSTEE TO JPMORGAN
24 CHASE BANK, NATIONAL
25 ASSOCIATION, AS TRUSTEE F/B/O
26 HOLDERS OF STRUCTURED ASSET
27 MORTGAGE INVESTMENTS II INC.,
28 BEAR STEARNS ALT-A TRUST 2005-10,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-10,

Plaintiff,

vs.

POSHBABY L.L.C. SERIES 6653
GOLDENCREEK WAY, a Nevada limited
liability company; SMOKE RANCH
MAINTENANCE DISTRICT, a Nevada
non-profit corporation.

Defendant.

Case No. 2:16-cv-02802-KJD-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES FOR THE LIMITED
PURPOSE OF CONDUCTING
DEPOSITIONS**

(FOURTH REQUEST)

Pursuant to Local Rule 26-4 and the Court's Scheduling Order, Plaintiff The Bank of New York Mellon, successor trustee to JPMorgan Chase Bank, National Association, as Trustee f/b/o holders of Structured Asset Mortgage Investments II Inc., Bear Stearns ALT-A Trust 2005-10, Mortgage Pass-Through Certificates, Series 2005-10 ("Trustee"), Defendant Poshbaby L.L.C. Series 6653 GoldenCreek Way ("Poshbaby"), and Defendant Smoke Ranch Maintenance District ("Smoke Ranch") by and through their respective counsel of record, hereby agree and respectfully submit this stipulation as follows:

Stipulated Amendment of Scheduling Order

1. Statement of Discovery Completed

On December 22, 2017, the Court granted the parties' third stipulation to extend discovery for the limited purpose of conducting depositions, which set the following relevant deadlines:

- (a) Depositions Complete and Close of Discovery: February 2, 2018
- (b) Dispositive Motions: March 5, 2018
- (c) Pretrial Order: March 28, 2018 (suspended upon the filing of dispositive motions until 30 days after decision on any dispositive motions).

Trustee has completed the following:

- 1. Service of its Initial Disclosures on April 4, 2017;
- 2. Service of written discovery to Poshbaby and Smoke Ranch on June 30, 2017;
- 3. Service of subpoenas to produce documents and for deposition to third-party Red Rock Financial Services on July 11, 2017; and
- 4. Service of Deposition Notices to Poshbaby and Smoke Ranch on December 6, 2017.

Poshbaby has completed the following:

- 1. Service of its Initial Disclosures on April 5, 2017;
- 2. Response to Trustee's Requests for Admission on December 13, 2017;

3. Service of Deposition Notice to Trustee on December 18, 2017.

Smoke Ranch has completed the following:

1. Service of its Initial Disclosures on September 8, 2017; and
2. Response to Trustee's written discovery on December 8, 2017.

2. Discovery that Remains to be Completed

Trustee is awaiting remaining responses to written discovery from Poshbaby. In the event the parties cannot reach a settlement, Trustee intends to take the depositions of Poshbaby, Smoke Ranch, and other witnesses whose deposition may become necessary once Trustee receives all written discovery responses. Poshbaby intends to take the deposition of Trustee.

3. The Reasons Why Remaining Discovery Was Not Completed

Poshbaby and Trustee have been and continue to be engaged in settlement discussions that may resolve this case without the need to incur the cost of conducting depositions and resolving the remaining outstanding discovery issues in this case. Trustee is also awaiting complete discovery responses from Poshbaby which it requires to adequately prepare for and conduct a deposition of Poshbaby. Accordingly, the parties have agreed to defer depositions and litigation of these issues while settlement negotiations are ongoing in an effort to reduce the burden on the parties' and the Court's resources.

Poshbaby and Trustee have used the time allowed by the Court's prior extension of discovery to engage in productive settlement talks, but have not yet reached agreement. Poshbaby and Trustee believe that a mutually agreeable settlement is a likely outcome in this case but they require additional time to work toward settlement. Good cause exists to grant the extension, because a limited extension of discovery will preserve the parties' and the Court's resources with respect to outstanding discovery, and will also increase the likelihood of a settlement by allowing the parties to defer or altogether avoid the cost of further discovery and litigation in favor of reaching a negotiated settlement. This request

1 is not made for delay or for any other improper purpose.

2 **4. Proposed Discovery Schedule**

3 The Parties stipulate and agree to an extension of discovery for the limited
4 purpose of conducting depositions, subject to the following proposed deadlines:

5 (a) Depositions Complete and Close of Discovery: Tuesday, April 3, 2018

6 (b) Dispositive Motions: Thursday, May 3, 2018

7 (c) Pretrial Order: Friday, June 1, 2018 (suspended upon the filing of
8 dispositive motions until 30 days after decision on any dispositive motions).

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1 **5. Trial**

2 No trial date has been set in this matter.

3 Dated: January 31, 2018.

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5 BALLARD SPAHR LLP

PENGILLY LAW FIRM

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23 IT IS SO ORDERED.

24 *George Foley Jr.*
UNITED STATES MAGISTRATE JUDGE

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26 DATED: February 1, 2018